

STAYED, TYPE I-FOIA

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-02567-ABJ**

ELECTRONIC FRONTIER FOUNDATION v.
DEPARTMENT OF COMMERCE et al
Assigned to: Judge Amy Berman Jackson
Cause: 05:552 Freedom of Information Act

Date Filed: 11/30/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**ELECTRONIC FRONTIER
FOUNDATION**

represented by **David L. Sobel**
LAW OFFICE OF DAVID L. SOBEL
5335 Wisconsin Ave., NW
Suite 640
Washington, DC 20015
(202) 246-6180
Fax: (415) 436-9993
Email: sobel@att.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

DEPARTMENT OF COMMERCE

represented by **Christopher Charles Hair**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2541
Fax: (202) 252-2599
Email: christopher.hair@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Doris Denise Coles-Huff
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2557
Fax: (202) 252-2599
Email: doris.coles@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jason Todd Cohen
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2523
Fax: (202) 252-2599
Email: jason.cohen@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Damon William Taaffe
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA

555 Fourth Street, NW
 Washington, DC 20530
 (202) 252-2544
 Fax: (202) 252-2599
 Email: damon.taaffe@usdoj.gov
 TERMINATED: 02/15/2019

Defendant

DEPARTMENT OF JUSTICE

represented by **Christopher Charles Hair**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Doris Denise Coles-Huff
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jason Todd Cohen
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Damon William Taaffe
 (See above for address)
 TERMINATED: 02/15/2019

Defendant

DEPARTMENT OF HOMELAND SECURITY

TERMINATED: 01/16/2018

represented by **Damon William Taaffe**
 (See above for address)
 TERMINATED: 02/15/2019

Date Filed	#	Docket Text
11/30/2017	<u>1</u>	COMPLAINT against DEPARTMENT OF COMMERCE, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE (Filing fee \$ 400 receipt number 0090-5227047) filed by ELECTRONIC FRONTIER FOUNDATION. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons Dept. of Commerce, # <u>3</u> Summons Dept. of Justice, # <u>4</u> Summons US Attorney General, # <u>5</u> Summons US Attorney, # <u>6</u> Summons Dept. Homeland Security)(Sobel, David) (Entered: 11/30/2017)
11/30/2017	<u>2</u>	Corporate Disclosure Statement by ELECTRONIC FRONTIER FOUNDATION. (Sobel, David) (Entered: 11/30/2017)
11/30/2017		Case Assigned to Judge Amy Berman Jackson. (zsth) (Entered: 11/30/2017)
11/30/2017	<u>3</u>	SUMMONS (5) Issued Electronically as to DEPARTMENT OF COMMERCE, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zsth) (Entered: 11/30/2017)
12/08/2017	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 12/6/2017. (Answer due for ALL FEDERAL DEFENDANTS by 1/5/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 12/6/2017., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF COMMERCE served on 12/6/2017; DEPARTMENT OF HOMELAND SECURITY served on 12/6/2017; DEPARTMENT OF JUSTICE served on 12/6/2017 (Attachments: # <u>1</u> Affidavit of Mailing and Service)(Sobel, David) (Entered: 12/08/2017)
12/12/2017	<u>5</u>	NOTICE of Appearance by Damon William Taaffe on behalf of All Defendants (Taaffe, Damon) (Entered: 12/12/2017)

01/04/2018	<u>6</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by DEPARTMENT OF COMMERCE, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE (Taaffe, Damon) (Entered: 01/04/2018)
01/04/2018		MINUTE ORDER granting <u>6</u> Motion for Extension of Time to Answer. Defendants must file a responsive pleading by February 5, 2018. SO ORDERED. Signed by Judge Amy Berman Jackson on 1/4/2018. (lcabj2) (Entered: 01/04/2018)
01/16/2018	<u>7</u>	NOTICE of Voluntary Dismissal re Department of Homeland Security (Sobel, David) (Entered: 01/16/2018)
02/05/2018	<u>8</u>	ANSWER to <u>1</u> Complaint by DEPARTMENT OF COMMERCE, DEPARTMENT OF JUSTICE.(Taaffe, Damon) Modified to add link on 2/6/2018 (znmw). (Entered: 02/05/2018)
02/05/2018	<u>9</u>	ORDER. Defendants shall file a dispositive motion or, in the alternative, a report setting forth the schedule for the completion of their production of documents to plaintiff on or before March 5, 2018. See Order for complete details. SO ORDERED. Signed by Judge Amy Berman Jackson on 2/5/2018. (lcabj2) (Entered: 02/05/2018)
02/06/2018		Set/Reset Deadlines: Defendants' Dispositive Motion or, in the alternative, a report setting forth the schedule for the completion of their production of documents to plaintiff, due on or before 3/5/2018. (kt) (Entered: 02/06/2018)
03/01/2018	<u>10</u>	NOTICE of Appearance by Jason Todd Cohen on behalf of All Defendants (Cohen, Jason) (Entered: 03/01/2018)
03/05/2018	<u>11</u>	STATUS REPORT by DEPARTMENT OF COMMERCE, DEPARTMENT OF JUSTICE. (Cohen, Jason) (Entered: 03/05/2018)
03/06/2018		MINUTE ORDER. The parties must file a joint status report by May 4, 2018 informing the Court of the status of the production of documents. SO ORDERED. Signed by Judge Amy Berman Jackson on 3/6/2018. (lcabj2) (Entered: 03/06/2018)
05/04/2018	<u>12</u>	Joint STATUS REPORT by DEPARTMENT OF COMMERCE, DEPARTMENT OF JUSTICE. (Cohen, Jason) (Entered: 05/04/2018)
05/07/2018		MINUTE ORDER. The parties must file a joint status report by July 3, 2018 informing the Court of the status of the production of documents. SO ORDERED. Signed by Judge Amy Berman Jackson on 5/7/2018. (lcabj2) (Entered: 05/07/2018)
07/03/2018	<u>13</u>	Joint STATUS REPORT by DEPARTMENT OF COMMERCE, DEPARTMENT OF JUSTICE. (Taaffe, Damon) (Entered: 07/03/2018)
07/05/2018		MINUTE ORDER. The parties must file a joint status report by September 4, 2018 informing the Court of the status of the production of documents. SO ORDERED. Signed by Judge Amy Berman Jackson on 7/5/2018. (lcabj2) (Entered: 07/05/2018)
08/31/2018	<u>14</u>	Joint STATUS REPORT by DEPARTMENT OF COMMERCE, DEPARTMENT OF JUSTICE. (Taaffe, Damon) (Entered: 08/31/2018)
09/05/2018		MINUTE ORDER. The parties must file a joint status report by October 1, 2018. Signed by Judge Amy Berman Jackson on 9/5/2018. (lcabj2) (Entered: 09/05/2018)
10/01/2018	<u>15</u>	Joint STATUS REPORT by DEPARTMENT OF COMMERCE, DEPARTMENT OF JUSTICE. (Taaffe, Damon) (Entered: 10/01/2018)
10/02/2018		MINUTE ORDER. Defendants' motion for summary judgment is due January 11, 2019; plaintiff's cross-motion for summary judgment and opposition is due February 11, 2019; defendants' opposition and reply is due March 11, 2019; and plaintiff's reply is due April 8, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 10/2/18. (lcabj2) (Entered: 10/02/2018)
01/10/2019	<u>16</u>	MOTION to Stay by DEPARTMENT OF COMMERCE, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Coles-Huff, Doris) (Entered: 01/10/2019)
01/10/2019		MINUTE ORDER granting <u>16</u> Motion to Stay. Defendants must notify the Court within two business days of the resumption of government operations and propose a revised schedule for summary judgment, as necessary. SO ORDERED. Signed by

		Judge Amy Berman Jackson on 1/10/2019. (lcabj2) (Entered: 01/10/2019)
01/29/2019	<u>17</u>	Joint STATUS REPORT by DEPARTMENT OF COMMERCE, DEPARTMENT OF JUSTICE. (Taaffe, Damon) (Entered: 01/29/2019)
01/31/2019		MINUTE ORDER. In light of the parties' joint status report <u>17</u> , it is ORDERED that the Court's January 10, 2019 minute order granting a stay of this case is hereby lifted. Defendants' motion for summary judgment must be filed by March 15, 2019; plaintiff's opposition and cross-motion for summary judgment must be filed by April 12, 2019; defendants' reply and cross-opposition must be filed by April 26, 2019; and plaintiff's cross-reply must be filed by May 10, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 1/31/2019. (lcabj2) (Entered: 01/31/2019)
02/15/2019	<u>18</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Christopher Charles Hair on behalf of All Defendants (Hair, Christopher) (Entered: 02/15/2019)
03/12/2019	<u>19</u>	Consent MOTION to Modify <i>Briefing Schedule</i> by DEPARTMENT OF COMMERCE, DEPARTMENT OF JUSTICE (Hair, Christopher) Modified event title on 3/13/2019 (znmw). (Entered: 03/12/2019)
03/14/2019		MINUTE ORDER granting <u>19</u> Motion to Modify Briefing Schedule. Defendants' motion for summary judgment must be filed by April 16, 2019; plaintiff's opposition and any cross-motion for summary judgment must be filed by May 14, 2019; defendants' reply and cross-opposition must be filed by May 28, 2019; and plaintiff's reply must be filed by June 11, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 3/14/2019. (lcabj2) (Entered: 03/14/2019)
04/15/2019	<u>20</u>	Consent MOTION for Extension of Time to File <i>Motion for Summary Judgment (and extend briefing schedule)</i> by DEPARTMENT OF COMMERCE, DEPARTMENT OF JUSTICE (Hair, Christopher) (Entered: 04/15/2019)
04/16/2019		MINUTE ORDER granting <u>20</u> Motion for Extension of Time. Defendants' motion for summary judgment must be filed by July 15, 2019; plaintiff's opposition and any cross-motion for summary judgment must be filed by August 12, 2019; defendants' reply and cross-opposition must be filed by August 26, 2019; and plaintiff's reply must be filed by September 9, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 4/16/2019. (lcabj2) (Entered: 04/16/2019)
07/03/2019	<u>21</u>	Joint MOTION to Stay <i>Briefing Schedule</i> by DEPARTMENT OF COMMERCE, DEPARTMENT OF JUSTICE (Hair, Christopher) (Entered: 07/03/2019)
07/08/2019		MINUTE ORDER granting <u>21</u> Motion to Stay. The briefing schedule set forth in the Court's April 16, 2019 minute order is hereby VACATED. The parties must file a joint status report by August 14, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 7/8/2019. (lcabj2) (Entered: 07/08/2019)
08/14/2019	<u>22</u>	Joint STATUS REPORT by DEPARTMENT OF COMMERCE, DEPARTMENT OF JUSTICE. (Hair, Christopher) (Entered: 08/14/2019)
08/20/2019		MINUTE ORDER. The parties must file another status report by September 27, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 8/20/2019. (lcabj2) (Entered: 08/20/2019)
09/27/2019	<u>23</u>	Joint STATUS REPORT by DEPARTMENT OF COMMERCE, DEPARTMENT OF JUSTICE. (Hair, Christopher) (Entered: 09/27/2019)